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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/528,761 | 03/17/2000 | Jason T. Murar | VEI0313PUS | 5009 |

22045 7590 10/14/2004

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| EXAMINER |
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LEE, EDMUND H

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| ART UNIT | PAPER NUMBER |
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1732

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/528,761

Applicant(s)

MURAR ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/4/04; 9/17/03</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,4,8,9,11,13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rohrbacher et al (USPN 4959189). Rohrbacher et al teach the claimed process as evident by col 4, lns 19-21; col 6, lns 37-41 and 61-65; col 7, ln 40-col 8, ln 2; col 9, lns 28-33 and 49-61; and col 12, lns 30-31; and col 16, ln 3. It should be noted that the film sheet of Rohrbacher et al includes a size layer of polyurethane, and a color layer comprised of metallic pigment that constitutes the claimed decorative layer of metal. It should also be mentioned that the step of preventing the preform from moving is inherent with the process of Rohrbacher et al in order to produce the desired final product. It should also be mentioned that Rohrbacher et al teach a clear coat layer comprised of a blend of polyvinylidene fluoride and a clear acrylic that constitutes the claimed PVDF and clear plastic layer.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,5,6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrbacher et al (USPN 5725712). The above teachings of Rohrbacher et al are incorporated hereinafter. In regard to claim 3, the particular temperature and pressure used in the injection step is a function of the specific type of material used. further, it is well-known in the molding art to inject material at the claimed temperature and pressure ranges. It would have been obvious to one of ordinary skill in the art at the time the invention was made o use the claimed temperature and pressure in the process of Rohrbacher et al in order to efficiently produce the molded article of Rohrbacher et al. In regard to claim 5, the particular flexural modulus is a function of the specific type of material used. Additionally, the use of such modulus values in structural carriers, as defined in Rohrbacher et al, is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the claimed modulus values for the structural carrier of Rohrbacher et al in order to provide a durable molded article. In regard to claim 6, the particular durometer is a function of the specific type of material used. Further, the use of such values for structural carries, as defined by Rohrbacher et al, is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the claimed durometer value for the structural carrier of Rohrbacher et al in order to provide a strong molded article. In regard to claim 7, the particular thickness of the film sheet is mere obvious matter of choice dependent on the

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desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the particular thickness of the film is a function of a variety of unclaimed parameters such as desired strength of the final article, cost, and availability. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a film sheet having the claimed thickness in the process of Rohrbacher et al in order to increase strength of the molded article.

6. Claims 10, 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrbacher et al (USPN 5725712). The above teachings of Rohrbacher et al are incorporated hereinafter. In regard to claim 10, the particular thickness of the PVDF is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the particular thickness of the layer is a function of a variety of unclaimed parameters such as desired strength of the final article, cost, and availability. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a PVDF layer having the claimed thickness in the process of Rohrbacher et al in order to increase strength of the molded article. In regard to claim 12, the particular temperature and pressure used in the injection step is a function of the specific type of material used. Further, it is well-known in the molding art to inject material at the claimed temperature and pressure ranges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed temperature and pressure in the process of

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Rohrbacher et al in order to efficiently produce the molded article of Rohrbacher et al. In regard to claim 14, the particular flexural modulus is a function of the specific type of material used. Additionally, the use of such modulus values in structural carriers, as defined in Rohrbacher et al, is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the claimed modulus values for the structural carrier of Rohrbacher et al in order to provide a durable molded article. In regard to claim 15, the particular durometer is a function of the specific type of material used. Further, the use of such values for structural carries, as defined by Rohrbacher et al, is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the claimed durometer value for the structural carrier of Rohrbacher et al in order to provide a strong molded article. In regard to claim 16, the particular thickness of the film sheet is mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the particular thickness of the film is a function of a variety of unclaimed parameters such as desired strength of the final article, cost, and availability. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a film sheet having the claimed thickness in the process of Rohrbacher et al in order to increase strength of the molded article.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrbacher et al (USPN 5725712). The above teachings of Rohrbacher et al are

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incorporated hereinafter. In regard to claim 18, the particular thickness of the PVDF is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the particular thickness of the layer is a function of a variety of unclaimed parameters such as desired strength of the final article, cost, and availability. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a PVDF layer having the claimed thickness in the process of Rohrbacher et al in order to increase strength of the molded article.

8. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaiani can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL



10/8/04